

ORIGINAL

FILED

January 29 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 08-0499

STATE OF MONTANA,

Plaintiff and Appellee,

v.

DAVID W. GUNDERSON,

Defendant and Appellant.

FILED

JAN 28 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

NOTICE OF RELATED ISSUES

Appellant David Gunderson (Gunderson) gives notice to the Court that an issue raised in Gunderson's direct appeal regarding the due process implications of the State's failure to collect and/or preserve evidence is similar to issues raised in the pending appeal, *State v. Taylor*, DA 09-0246.

Additionally, Appellant gives notice that Montana Trial Lawyers Association and Montana Innocence Project requested to appear as amicus with respect to this issue in *State v. Taylor*, DA 09-0246. This Court denied the requests to appear as amicus, in part, because Taylor requested that the issue be reviewed pursuant to the plain error doctrine. Gunderson is not requesting that the issue be considered pursuant to the plain error doctrine, as the issue was raised with the district court.

Respectfully submitted this 29 day of January, 2010.

OFFICE OF THE STATE PUBLIC DEFENDER
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Helena, MT 59620-0145

By: 

TARYN STAMPFL HART
Assistant Appellate Defender

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and accurate copy of the foregoing

Notice of Related Issues to be mailed to:

STEVE BULLOCK
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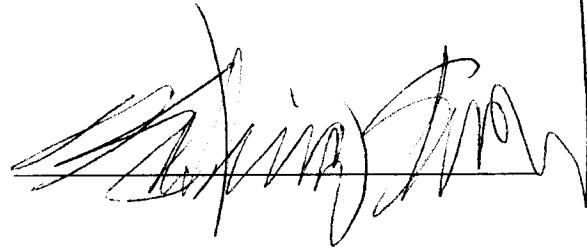
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DATED: _____

1/28/10

A handwritten signature in black ink, appearing to be "David W. Gundersen", written over a horizontal line.